



April 11, 2013

Dear Members of the Education and Workforce Committee:

On behalf of our members and supporter organizations, the American Sustainable Business Council (ASBC) and the Restaurant Opportunities Centers (ROC) National Roundtable are writing to express our opposition to the Working Families Flexibility Act.

The misleadingly named bill, as introduced by Representative Martha Roby and supported by House Majority Leader Eric Cantor, is the wrong way to encourage employers to offer work-life benefits to their employees.

This bill would create a major liability on the balance sheet of small businesses whose employees have "banked" away their overtime comp hours. This liability then becomes a scheduling and accounting challenge when employees decide to trade in banked hours, requiring business owners to make unexpected shifts in personnel and paychecks. Obviously, small businesses with fewer resources and employees would be even harder hit by these onerous logistics than larger corporations.

It is important that more supporting measures are taken to ensure the success of small business. In the spirit of pursuing pro-business legislation, the Working Families Flexibility Act proves itself to be all but flexible for employees and even more binding for employers. The sheer volume of tracking requirements has the potential to result in improper penalties assessed by various government agencies.

In addition, this bill would create headaches for any employer who must track banked hours across multiple employees and make the required organizational rearrangements. These factors could put business owners in the position of making uncomfortable decisions regarding their employees which could, in turn, lower the morale of their workforce.

Current law does not deny employers and employees the ability to develop mutually beneficial flexible scheduling if they so choose, which makes this an unnecessary new law. If Representatives Cantor and Roby are truly concerned about creating flexibility for working families, there are other, less onerous options.

The Healthy Families Act, for instance, would provide workers the right to earn up to seven earned paid sick days each year to recover from illness, to care for a family member, to seek routine medical care, or to manage other unpredictable necessities of day-to-day life. Employers who provide this type of leave already would not have to provide additional sick time. This method is a more predictable and easier to implement for employers.

ASBC is a growing national coalition of businesses and business organizations committed to advancing policies that support a vibrant and sustainable economy. ASBC represents over 165,000 businesses and more than 300,000 business professionals, including industry trade associations, local and state chambers of commerce, microenterprise, social enterprise, green and sustainable business, local and community-rooted business, women and minority business leaders, and investors.

ROC United's National Restaurant Industry Roundtable is an alternative restaurant association that supports small- and medium-sized business owners to move towards the "High Road" to profitability. With over 100 employer-members nationwide and growing, the ROC National Roundtable is poised to catalyze change in the restaurant industry.

The Working Families Flexibility Act would be a bad bill for both employers and employees. In the interest of working families who need true flexibility, and the businesses who rely on those family members, we urge you to vote against it.

Sincerely,

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